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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SANTIAGO, LUIS F	

ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,179	JOHNSON, PERRY L	
	Examiner	Art Unit	
	LUIS SANTIAGO	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 9-12* is/are pending in the application.

4a) Of the above claim(s) *None* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 9-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is the office action in response to applicant submission filed on February 9, 2010.

Continued Examination under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Currently Claims 1, 9–12 are pending.

Response to Amendment

3. The 35 U.S.C 112 rejections of claim 1 in the previous office action are withdrawn in light of the applicant amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 1** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) (Hereinafter referred to as Arrowood).

With respect to **claim 1**:

Aycock teaches "An audit quotation system" comprising:

"one or more computers configured to receive" client information including at least an industry code identifying a type of industry of a product or service provided by a client (Aycock Col. 3, lines 61-66, "a supplier interface, which may be in the form of an executable code or a protected data file"). (Aycock Col. 4, line 30, "The access routine selectively accesses the local specification files and the communication software to provide information to a user operating the word processing system based on user requests for information");

"generate" a formal quotation "using a computer database application" for an audit based on the client information and the "auditor" staffing requirements "information" (Aycock Col. 1, line 45, "Vendor qualification typically involves the process of a purchasing agent identifying a set of technical requirements that need to be met, compiling the technical requirements into a request for proposal or a request for quotation");

Aycock teaches the above limitation, but does not disclose a number of employees a type of quality audit, and a number of employees .

However, Arrowood teaches a client monitor track references numbers for employees working for the client. Tracking system that allows firm managers to track all the employees who have worked at the firm according to such areas as dates worked, tasks performed. (Arrowood, ¶ 0015)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated a client monitor track references numbers for employees working for the client. Tracking system that allows firm managers to track all the employees who have worked at the firm according to such areas as

dates worked, tasks performed as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock teaches the above limitation, but does not disclose "receive" auditor staffing requirements "information, wherein the auditor staffing requirements information is" based on "the number of employees".

However, Arrowood teaches a process for employees or personnel to be selected to correspond to client or employer needs, and a process to collect and interpret feedback on employee, personnel and client, employer performance. (Arrowood, ¶ 0044)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated a process for employees or personnel to be selected to correspond to client or employer needs, and a process to collect and interpret feedback on employee, personnel and client as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock teaches the above limitation, but does not disclose "store" formal quotation information in "the computer" database "application" for tracking existing and prospective clients.

However, Arrowood teaches the order is stored in the database in the order data. The candidate employee information is then stored as the Assigned Candidate Profile. (Arrowood, ¶¶ 0112-0113); the prospective employee/personnel may be requested to fill out the online application, experience evaluation form, and perhaps do the test materials. (Arrowood, ¶ 0118)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated a process for employees or personnel to be selected to correspond to client or employer needs, and a process to collect and interpret feedback on employee, personnel and client as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock teaches the above limitation, but does not disclose "transmit the" formal audit quotation to a salesperson for delivery to the client.

However, Arrowood teaches a candidate is selected by the client; preferably an assignment confirmation letter is transmitted, electronically or otherwise. The system also disburses an e-mail message to the employee confirming the assignment, describing the client, described client location, detailing access for that client. (Arrowood, ¶¶ 0121-0123)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated an e-mail message to the employee confirming the assignment, describing the client, described client location as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

6. **Claims 9** and **10** are rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) as applied to claim 1 above and further in view of McFarland et al. (US 6,154,753) (Hereinafter referred to as McFarland).

With respect to **claim 9**:

The combination of Aycock and Arrowood teaches the above limitation, but does not disclose "system" of claim 1 wherein the industry code comprises the Standard Industrial Classification (SIC) code established by the United States Department of Commerce.

However, McFarland teaches a computer implemented system and method and a computer readable medium configured to substantially obviate one or more of the problems in complying with the requirements of ISO 9000 and corresponding standard requirements. (McFarland Col. 3, lines 49-53); (See Abstract, "A computer implemented system and method and a computer readable medium for complying with the requirements of a quality standard known as ISO 9000").

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated implemented system and method and a computer readable medium configured to substantially obviate one or more of the problems in complying with the requirements of ISO 9000 and corresponding standard requirements as taught by McFarland, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 10**:

The combination of Aycock and Arrowood teaches the above limitation, but does not disclose the "system" of claim 1 wherein the type of audit is selected from an environmental audit, a quality system audit, a pre-assessment audit, an initial registration audit, a registration upgrade audit, and a surveillance audit.

However, McFarland teaches an audit trail by storing and making available previous iterations of current documents as child documents, insuring that the first issue, subsequent changes to content, movement to draft status, reprieve, and reissue are available for auditing the activities of the business. (See McFarland, abstract); the project management creates and audit trail for all project activities, and enhances on organizations ability to take advantage of lessons learned on previous projects. (McFarland Col. 28, lines 48-51).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated creates and audit trail for all project activities, and enhances on organizations ability to take advantage of lessons learned on previous projects as taught by McFarland, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

7. **Claim 11** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) as applied to claim 1 above and further in view of Weber et al. (US 2002/0138377) (Hereinafter referred to as Weber).

With respect to **claim 11**:

The combination of Aycock and Arrowood teaches the above limitation, but does not disclose the "system" of claim 1 wherein the industry code includes a hierarchical classification system having major and minor classifications.

However, Weber teaches the security setting table also comprises a security level field. The security level field is utilized to store different security levels that are to be assigned to users of the auditing system (FIG. 1). (Weber ¶ 0033)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated the security level field is utilized to store different security levels that are to be assigned to users of the auditing system as taught by Weber, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

8. **Claim 12** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) in view of Weber et al. (US 2002/0138377) as applied to claim 11 above and further in view of Auditor selection and audit committee characteristics (Hereinafter referred to as Abbott).

With respect to **claims 12**:

Weber teaches requesting the user of the system to provide a job code for each of the selected employed entities to further define the queries that may be selected for auditing each of the selected employed entities. (Weber, ¶ 0010)

Weber teaches the above limitation, but does not disclose the "system" of claim 11 "wherein the one or more computer are" further "configured to assign" auditors based on the industry code.

However, Abbott teaches Industry membership was determined based on the two digit Standard Industrial Classification (SIC) code listed on Comp stat. The two digits SIC codes were then grouped based on the Big 6 audit firms' self reported focus industries presented in Hogan and Jeter (1997) and used in Franz et al. (1998). Hogan and Jeter (1997) devised this industry classification scheme based upon target industries as reported by each Big 6 firm. This method results in a total of 12 industry codes. (See Abbott, Auditor selection and audit committee characteristics, page 52). This study focuses on one frequently noted function of the audit committee: auditor selection. Auditors who specialize in the client's industry are expected to provide a higher level of audit quality than do no specialists. (See Abbott, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Weber to have incorporated auditor selection. Auditors who specialize in the client's industry are expected to provide a higher level of audit quality than do no specialists as taught by Abbott, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed Luis Santiago whose telephone number is (571) 270-5391. The examiner can normally be reached Monday to Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boswell, Beth can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/LS/

February 12, 2010.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623